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REMARKS

Claims 1 through 98 are rejected under 35 U.S.C. § 102 as allegedly anticipated by U.S. Patent No. 4,328,333, issued to Barbee et al. (hereinafter "Barbee"). This is the sole reason set forth in the Official Action dated October 17, 2005, why the present application should not be allowed. Applicant respectfully traverses this rejection for the following reasons.

The composition of claim 1 is a sulfonated aliphatic-aromatic copolyester comprising an acid component. The acid component comprises up to 5 mole % of a sulfonate component that may include aliphatic or aromatic monomers, such as acids, *inter alia*.

In contrast, the copolyetheresters described in Barbee are not sulfonated. As noted in the Official Action, Barbee defines the term "consisting essentially of" to include up to 5 mole % of "other acids or glycols". Column 2 at lines 47 to 49. No specific examples of these "other acids" are identified, however. Nor do Barbee's working Examples afford any guidance regarding this issue. The only "other acid" in the working Examples is trimellitic anhydride, which Barbee considers a branching agent (column 2 at lines 51 to 54) and which is not a sulfonate, in any case. In fact, the entire text of Barbee includes neither the term "sulfonate" nor the term "sulphonate" (nor the prefixes "sulfo-" and "sulpho-").

It is well established that, unless a specific disclosure can be at once envisaged from a generic disclosure, the specific disclosure is not anticipated by the generic reference. *See, e.g.*, the M.P.E.P. at § 2131.02. Here, the "other acids" that are generically described in Barbee "encompass a vast number and perhaps even an infinite number of compounds", yet there is no mention whatsoever of the narrow, claimed class of sulfonate components. *In re Petering*, 133 USPQ 275 (CCPA, 1962), *quoted in* the M.P.E.P. at § 2131.02. Thus, the "other acids" are not "sufficiently limited or well delineated" in the cited reference to constitute an anticipation of Applicant's claim 1. *Ex parte A*, 17 USPQ2d 1716 (Bd.Pat.App.&Inter.1990), *quoted in* the M.P.E.P. at § 2131.02.

Because the cited reference does not describe every element of the claimed invention, Applicant respectfully submits that claim 1 is not anticipated by Barbee.

In this connection, Applicant does not believe that the differences between the claimed invention and the composition described by Barbee are merely conventional, as has been asserted in the Official Action on page 4. Should the Examiner remain of the opinion that they are,

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however, Applicant respectfully requests that supporting references or an affidavit be provided in compliance with 37 C.F.R. §§ 1.104(b)(2,3) and (d)(2).

Finally, claim 93, although independent, specifically recites all of the features of the sulfonated copolyetherester of claim 1. Therefore, claim 92 is also not anticipated, for at least the reasons set forth above with respect to claim 1. In addition, claims 2 through 92 and 94 through 98 depend, directly or indirectly, from claim 1 or claim 93, respectively. It follows by statute that these claims are also not anticipated.

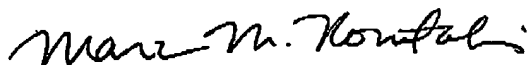
Accordingly, Applicant respectfully requests that the rejection of claims 1 through 98 under 35 U.S.C. § 102 citing Barbee be withdrawn upon reconsideration.

Conclusion

Should any fee be required in connection with the present response, the Examiner is authorized to charge such fee to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company).

In view of the above remarks, it is believed that all claims are in condition for allowance, and such action is respectfully requested. In closing, the Examiner is invited to contact the undersigned attorney by telephone at (302) 892-1004 to conduct any business that may advance the prosecution of the present application.

Respectfully submitted,



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